

ORDERED.

Dated: April 11, 2017



Caryl E. Delano
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In re:

CHRIS E. CARHART
a/k/a Chris Earl Carhart,

Chapter 7
Case No. 9:16-BK-06499-FMD

Debtor.

/

**ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO COMPEL FED. R. BANKR. PRO. 2004 PRODUCTION OF
DOCUMENTS AND EXAMINATION TESTIMONY OF KEXIN CARHART
(Doc. No. 65)**

THIS CASE came before the Court for hearing on March 23, 2017, to consider the Motion to Compel Fed. R. Bankr. Pro. 2004 Production of Documents and Examination Testimony of Kixin Carhart (“Motion to Compel”), filed by Creditors, Christopher G. Halaska, Halaska International, Inc. and Carhart-Halaska International LLC (together, “Creditors”) on March 3, 2017. Attached to the Motion to Compel is a Subpoena served on Ms. Carhart requesting production of documents in connection with her 2004 examination (the “Subpoena”). Responses to the Motion to Compel were filed by the Debtor (Doc. No. 72) and non-debtor, Kixin Carhart (Doc. No. 76) (together, the “Responses”).

The Court having reviewed the Motion to Compel, the Responses and the record, and considered colloquy of counsel, and otherwise being fully advised on the premises, finds that the Motion to Compel should be granted in part and denied in part as it relates to the documents

requested in the Subpoena. Accordingly, for the reasons stated orally and recorded in open court that shall constitute the decision of the Court, it is,

ORDERED that:

1. The Motion to Compel is granted in part as follows:

- a. Non-debtor/deponent, Kixin Carhart, shall either provide responsive documents or testify under oath that she has received no money from the Debtor in relation to request number 2 of the Subpoena.
- b. Non-debtor/deponent, Kixin Carhart, shall produce responsive documents dated from July 29, 2012 through July 29, 2016 as it relates to requests numbered 10 – 12 and 15, for any account held with the Debtor of the Subpoena.

2. Creditors, Christopher G. Halaska, Halaska International, Inc. and Carhart-Halaska International LLC, shall produce a copy of all documents received pursuant to subpoena, citation to discover assets, or subpoena in aid of execution or other collection procedures regarding the Debtor's or Kixin Carhart's bank accounts.

3. All parties shall deliver documents as set forth above to the other party no later than May 5, 2017.

4. Except as provided in this order, the Creditors Motion to Compel is denied as to the requests listed in the Subpoena.

5. The Court reserves jurisdiction to enforce the terms of this order.

Attorney Lara R. Fernandez is directed to serve a copy of this order on non-ecf interested parties and file a proof of service within 3 days of entry of this order.